

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:18-cv-00650-OTW**

Natural Resources Defense Council, Inc. v. U.S. Department of the Interior et al

Assigned to: Magistrate Judge Ona T. Wang

Cause: 05:552 Freedom of Information Act

Date Filed: 01/24/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Natural Resources Defense Council, Inc.**

represented by **Katherine Desormeau**  
Natural Resources Defense Council  
111 Sutter Street, 21st Floor  
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(415)-875-6158  
Email: [kdesormeau@nrdc.org](mailto:kdesormeau@nrdc.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Nancy Sharman Marks**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. Department of the Interior**

represented by **Talia Kraemer**  
U.S. Attorney's Office, SDNY  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Department of Commerce**

represented by **Talia Kraemer**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 01/24/2018 | <u>1</u> | COMPLAINT against U.S. Department of Commerce, U.S. Department of the Interior. (Filing Fee \$ 400.00, Receipt Number 0208-14616871) Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Ex A 2017.09.22 DOI FOIA Request, # <u>2</u> Ex B 2017.10.29 DOI FOIA Request., # <u>3</u> Ex C 2017.10.29 DOC FOIA Request)(Marks, Nancy) (Entered: 01/24/2018) |
| 01/24/2018 | <u>2</u> | CIVIL COVER SHEET filed. (Marks, Nancy) (Entered: 01/24/2018)   |
| 01/24/2018 | <u>3</u> | REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of the Interior, re: <u>1</u> Complaint,. Document filed by Natural Resources Defense Council, Inc.. (Marks,  |

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|            |           | Nancy) (Entered: 01/24/2018)  |
| 01/24/2018 | <u>4</u>  | REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Commerce, re: <u>1</u> Complaint,. Document filed by Natural Resources Defense Council, Inc.. (Marks, Nancy) (Entered: 01/24/2018)   |
| 01/24/2018 | <u>5</u>  | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Inc..(Marks, Nancy) (Entered: 01/24/2018)  |
| 01/25/2018 |           | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge John G. Koeltl. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (vf) (Entered: 01/25/2018) |
| 01/25/2018 |           | Magistrate Judge Andrew J. Peck is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (vf) (Entered: 01/25/2018)  |
| 01/25/2018 |           | Case Designated ECF. (vf) (Entered: 01/25/2018)   |
| 01/25/2018 | <u>6</u>  | ELECTRONIC SUMMONS ISSUED as to U.S. Department of the Interior. (vf) (Entered: 01/25/2018)   |
| 01/25/2018 | <u>7</u>  | ELECTRONIC SUMMONS ISSUED as to U.S. Department of Commerce. (vf) (Entered: 01/25/2018)   |
| 01/25/2018 | <u>8</u>  | MOTION for Katherine Desormeau to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14624155. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Desormeau, Katherine) (Entered: 01/25/2018)  |
| 01/26/2018 |           | <b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>8</u> MOTION for Katherine Desormeau to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208–14624155. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 01/26/2018)   |
| 01/29/2018 | <u>9</u>  | ORDER FOR ADMISSION PRO HAC VICE: granting <u>8</u> Motion for Katherine Desormeau to Appear Pro Hac Vice. (Signed by Judge John G. Koeltl on 1/29/2018) (ama) (Entered: 01/29/2018)  |
| 02/21/2018 | <u>10</u> | NOTICE OF COURT CONFERENCE: Initial Conference set for 4/17/2018 at 4:30 PM in Courtroom 14A, 500 Pearl Street, New York, NY 10007 before Judge John G. Koeltl, and as further set forth in this order. (ap) (Entered: 02/21/2018)  |
| 03/15/2018 | <u>11</u> | NOTICE OF APPEARANCE by Talia Kraemer on behalf of U.S. Department of Commerce, U.S. Department of the Interior. (Kraemer, Talia) (Entered: 03/15/2018)   |
| 03/15/2018 | <u>12</u> | CONSENT LETTER MOTION for Extension of Time <i>to Respond to Complaint</i> addressed to Judge John G. Koeltl from Talia Kraemer dated 3/15/2018. Document filed by U.S. Department of Commerce, U.S. Department of the Interior.(Kraemer, Talia) (Entered: 03/15/2018)  |
| 03/17/2018 | <u>13</u> | ORDER granting <u>12</u> Letter Motion for Extension of Time. Application Granted. SO ORDERED. (Signed by Judge John G. Koeltl on 3/17/2018) (ama) (Entered: 03/19/2018)  |
| 03/17/2018 |           | Set/Reset Deadlines: U.S. Department of Commerce answer due 3/23/2018; U.S. Department of the Interior answer due 3/23/2018. (ama) (Entered: 03/19/2018)  |
| 03/23/2018 | <u>14</u> | ANSWER to <u>1</u> Complaint,. Document filed by U.S. Department of Commerce, U.S. Department of the Interior.(Kraemer, Talia) (Entered: 03/23/2018)  |

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| 03/26/2018 | <u>15</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. All Defendants. Service was made by mail. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit A – Summons Department of Commerce, # <u>2</u> Exhibit B – Summons Department of the Interior, # <u>3</u> Exhibit C – Certified Mail Receipt DOJ, # <u>4</u> Exhibit D– Certified Mail Receipt USAO, # <u>5</u> Exhibit E – FedEx Receipt USAO)(Desormeau, Katherine) (Entered: 03/26/2018) |
| 03/29/2018 | <u>16</u> | CONSENT LETTER MOTION to Adjourn Conference addressed to Judge John G. Koeltl from Katherine Desormeau dated 03/29/2018. Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 03/29/2018)   |
| 03/29/2018 | <u>17</u> | ORDER granting <u>16</u> Letter Motion to Adjourn Conference. Adjourned to Tuesday, May 15, 2018, at 4:30 pm. SO ORDERED. Initial Conference set for 5/15/2018 at 04:30 PM before Judge John G. Koeltl. (Signed by Judge John G. Koeltl on 3/29/2018) (rj) (Entered: 03/30/2018)  |
| 05/04/2018 | <u>18</u> | JOINT LETTER addressed to Judge John G. Koeltl from Katherine Desormeau, Talia Kraemer dated 05/04/2018 re: Initial conference and parties' Rule 26(f) report. Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 05/04/2018)   |
| 05/15/2018 | <u>19</u> | CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Natural Resources Defense Council, Inc., U.S. Department of the Interior. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Ona T. Wang. (Signed by Judge John G. Koeltl on 5/15/2018) (ap) (Entered: 05/16/2018)   |
| 05/15/2018 |           | Minute Entry for proceedings held before Judge John G. Koeltl: Initial Pretrial Conference held on 5/15/2018. (Fletcher, Donnie) (Entered: 06/08/2018)  |
| 05/16/2018 |           | Magistrate Judge Ona T. Wang is so redesignated. (wb) (Entered: 05/16/2018)   |
| 05/21/2018 | <u>20</u> | SCHEDULING ORDER: The parties shall attend a status conference on June 7, 2018 at 4:00 p.m. at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, Courtroom 20D. (Status Conference set for 6/7/2018 at 04:00 PM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Ona T. Wang.) (Signed by Magistrate Judge Ona T. Wang on 5/15/2018) (rro) (Entered: 05/21/2018)  |
| 05/24/2018 | <u>21</u> | LETTER MOTION for Conference <i>request to allow telephonic appearance or appearance of non-lead counsel at status conference</i> addressed to Magistrate Judge Ona T. Wang from Katherine Desormeau dated 05/24/2018. Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 05/24/2018)   |
| 05/29/2018 | <u>22</u> | ORDER granting <u>21</u> Letter Motion for Conference. The application is GRANTED. Ms. Desormeau is permitted to appear telephonically so long as Ms. Marks attends in person. (Signed by Magistrate Judge Ona T. Wang on 5/29/2018) (rro) (Entered: 05/29/2018)  |
| 06/04/2018 | <u>23</u> | JOINT PRE-CONFERENCE STATEMENT <i>with proposed agenda</i> . Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 06/04/2018)   |
| 06/07/2018 |           | Minute Entry for proceedings held before Magistrate Judge Ona T. Wang: Status Conference held on 6/7/2018. (Court Reporter Mike McDaniel)Status Conference held. Joint Status letter due August 8, 2018. (Quinn, Diane) (Entered: 06/07/2018)   |
| 08/08/2018 | <u>24</u> | JOINT LETTER addressed to Magistrate Judge Ona T. Wang from Katherine Desormeau, Talia Kraemer dated 08/08/2018 re: Joint Status Letter. Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 08/08/2018)   |
| 08/14/2018 | <u>25</u> | MEMO ENDORSEMENT on re: <u>24</u> Letter filed by Natural Resources Defense Council, Inc. ENDORSEMENT: The parties shall submit the next joint status report on October 8, 2018. The Court declines to issue an advisory ethics opinion concerning the unredacted documents currently circulating in the public domain. SO ORDERED. (Signed by Magistrate Judge Ona T. Wang on 8/14/2018) (rro) Modified on 11/15/2018 (rro). (Entered: 08/14/2018)                               |

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| 10/08/2018 | <u>26</u> | STATUS REPORT. Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 10/08/2018)  |
| 10/09/2018 | <u>27</u> | MEMO ENDORSEMENT on re: <u>26</u> STATUS REPORT. Document filed by Natural Resources Defense Council, Inc. ENDORSEMENT: The Court agrees with the parties' proposals. The parties shall submit the next joint status report on December 7, 2018. SO ORDERED. (Signed by Magistrate Judge Ona T. Wang on 10/9/2018) (rjm) (Entered: 10/09/2018)   |
| 12/07/2018 | <u>28</u> | STATUS REPORT. <i>Joint status letter</i> Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 12/07/2018)   |
| 12/10/2018 | <u>29</u> | MEMO ENDORSEMENT on re: <u>28</u> Status Report filed by Natural Resources Defense Council, Inc. ENDORSEMENT: The Court agrees with parties' proposals. The parties shall submit the next joint status report by February 5, 2019. SO ORDERED. (Signed by Magistrate Judge Ona T. Wang on 12/10/2018) (kv) (Entered: 12/10/2018)   |
| 12/27/2018 | <u>30</u> | STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/18) (yv) (Entered: 01/02/2019)   |
| 12/27/2018 |           | Case Stayed (yv) (Entered: 01/15/2019)   |
| 03/12/2019 | <u>31</u> | STATUS REPORT. <i>Joint status letter</i> Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 03/12/2019)   |
| 03/15/2019 | <u>32</u> | MEMO ENDORSEMENT on re: <u>31</u> Status Report filed by Natural Resources Defense Council, Inc. ENDORSEMENT: In light of the parties' agreement, the Court accepts the parties' proposals. The Department of the Interior shall produce Vaughn indexes to Plaintiff pursuant to Plaintiff's requests herein. The parties shall submit the next joint status report by May 13, 2019. SO ORDERED. (Signed by Magistrate Judge Ona T. Wang on 3/15/2019) (rro) (Entered: 03/15/2019) |
| 05/13/2019 | <u>33</u> | STATUS REPORT. Document filed by Natural Resources Defense Council, Inc..(Desormeau, Katherine) (Entered: 05/13/2019)  |
| 05/14/2019 | <u>34</u> | MEMO ENDORSEMENT on re: <u>33</u> STATUS REPORT. Document filed by Natural Resources Defense Council, Inc. ENDORSEMENT: Application Granted. The Department of the Interior and Department of Commerce shall proceed as proposed above. Joint status letter due July 12, 2019. SO ORDERED. (Signed by Magistrate Judge Ona T. Wang on 5/14/2019) (rjm) (Entered: 05/14/2019)   |